

NO. 5:13-CV-799-FL

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by enslaving him, see id.; and (5) his Fourteenth Amendment right to privacy and due process of law by “us[ing] their jobs . . . to withhold funds from [him] in [the] case John Ewing v. Jewels, Eisners Inc. D/B/A et al., case no. 88-L-389 in the Sixth Judicial Circuit Court of Champaign, Illinois,” see compl. 2. On December 24, 2013, M&R was entered recommending that plaintiff’s complaint be dismissed as frivolous. Plaintiff has not responded, but has filed, on December 27, 2013, a motion for entry of default against defendant.

### **COURT’S DISCUSSION**

Upon a careful review of the M&R, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge’s findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir.2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983).

The court, after carefully reviewing the M&R, finds the analysis therein to be thorough, and adopts it in full. The Prison Litigation Reform Act of 1996 (“PLRA”) directs the court to identify “cognizable claims or dismiss the complaint, or any portion of the complaint [that] is frivolous, malicious, or fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915A(b)(1). The magistrate judge determined that plaintiff’s claims were frivolous both in law and fact, and fail to state a claim for relief.

As noted in the M&R, plaintiff previously attempted to assert claims that were much the same to the instant claims regarding the FBI’s alleged withholding his funds and use of mind reading computers to violate his “attorney work product,” and these claims continue to lack an arguable

basis in fact or law. See Ewing v. F.B.I., No. 5:11-CV-344-FL, 2011 WL 6034615, at \*3-4 (E.D.N.C. Sept. 30, 2011) mem. and recommendation adopted, No. 5:11-CV-344-FL, 2011 WL 6034614, at \*1 (E.D.N.C. Dec. 5, 2011). Moreover, plaintiff's claims asserting that defendant has used supercomputers to read his mind and deprive him of constitutional rights are clearly frivolous in fact. See McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) ("Examples of frivolous claims include those whose factual allegations are so . . . wholly fanciful as to be simply unbelievable."). Further, plaintiffs allegations, such as those that he was enslaved, or that defendant violated his Fourth Amendment rights, are conclusions unsupported by sufficient factual matter which, when stated as true, state a plausible claim to relief. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009).

For reasons given the court ADOPTS the M&R in full, and DISMISSES plaintiff's complaint (DE 1) as frivolous. Where the court has dismissed the complaint, plaintiff's motion for default (DE 8) is DENIED AS MOOT.

SO ORDERED, this the 15th day of January, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge